

**SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF VENTURA  
VENTURA**

**MINUTE ORDER**

DATE: 09/17/2015

TIME: 03:39:00 PM

DEPT: 42

JUDICIAL OFFICER PRESIDING: Henry Walsh

CLERK: Hellmi McIntyre

REPORTER/ERM:

CASE NO: **56-2013-00436494-CU-BT-VTA**

CASE TITLE: **Bustillos vs. Oxnard Automobile Exchange Inc**

CASE CATEGORY: Civil - Unlimited      CASE TYPE: Business Tort

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**EVENT TYPE:** Ruling on Submitted Matter

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**APPEARANCES**

The court has previously granted the motion by Access Finance to take the deposition of Robert Grandinetti on the terms stated in open court on September 2, 2015. There was no reporter present at those proceedings, and the court took the matter under submission so as to memorialize in writing its orders of September 2, 2015.

The motion is granted. Counsel represent that Mr. Grandinetti is the only remaining employee of defendant, cross-complainant and cross-defendant RCD Enterprises dba Automobile Exchange. As the only employee, Mr. Grandinetti is the person most knowledgeable. There is no one else employed by RCD who could be more knowledgeable.

Mr. Grandinetti is stated to be a resident of the Dominican Republic. Under CCP section 1989, a non-resident of California cannot generally be compelled to appear for a deposition in California. See Toyota v. Superior Court, 197 Cal.App.4th 1107. This court, however, finds that Glass v. Superior Court, 204 Cal.App.3d 1048 is more on point. Toyota involved low level employees who were residents of Japan. Glass involved a company suing in California which was attempting to hide three members of its senior management team in Indiana, and not produce them for deposition in California. The Court of Appeal disagreed, and under the aggregate of the circumstances, ordered the employees to appear in California.

RCD did not initiate the present litigation, but did choose to cross-complain against moving party Access Finance. In that regard, Glass is the analog.

The court therefore orders that Mr. Grandinetti appear for his deposition (and bring the documents requested in the Notice of his Deposition to the extent that they exist) at a date, time and place in the

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United States to be agreed upon between the parties. Mr. Grandinetti's reasonable travel expenses (including coach airfare and a respectable hotel) are to be borne equally by RCD and AFI. If necessary, the court will adjudicate what is "reasonable," but cautions the parties to themselves be reasonable, and not bring before the court a dispute over the cost of breakfast or parking fees at the airport.

The clerk is directed to give notice.